

## UNITED STATES DISTRICT COURT

for the

District of South Carolina

Mikkel Gates

*Petitioner*

v.

Director of the Greenville County  
Detention Center,*Respondent*

Civil Action No. 9:22-cv-00610-HMH

**JUDGMENT IN A CIVIL ACTION**The court has ordered that *(check one)*:

☐ the plaintiff *(name)* \_\_\_\_\_ recover from the defendant *(name)* \_\_\_\_\_ the amount of \_\_\_\_\_ dollars (\$\_\_\_), which includes prejudgment interest at the rate of \_\_\_\_ %, plus postjudgment interest at the rate of \_\_\_\_ %, along with costs.

☐ the plaintiff recover nothing, the action be dismissed on the merits, and the defendant *(name)* \_\_\_\_\_ recover costs from the plaintiff *(name)* \_\_\_\_\_.

☒ other: The court adopts Magistrate Judge Cherry's Report and Recommendation and incorporates it herein. It is therefore ORDERED that this matter is dismissed without prejudice and without requiring Respondent to file a return. It is further ORDERED that a certificate of appealability is denied because Petitioner has failed to make "a substantial showing of the denial of a constitutional right."

This action was *(check one)*:

☐ tried by a jury, the Honorable \_\_\_\_\_ presiding, and the jury has rendered a verdict.

☐ tried by the Honorable \_\_\_\_\_ presiding, without a jury and the above decision was reached.

☒ decided by the Honorable Henry M. Herlong, Jr, Senior United States District Judge, presiding. The Court having adopted the Report and Recommendation set forth by the Honorable Molly H Cherry, United States Magistrate Judge.

May 24, 2022

s/ A. Snipes

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*Signature of Clerk or Deputy Clerk*